

REMARKS

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed April 12, 2010. Applicant respectfully requests reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claim 34 has been canceled without prejudice to further prosecution on the merits. Claims 35, 37, 39, 41, 42, 45-47, 55, 56, 70, 76 and 77 have been amended. No new matter has been added. Accordingly, Claims 35-43, 45-56 and 70-77 will be pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Allowable Subject Matter

On page 3 of the Detailed Action, the Examiner indicated that Claims 71-75 are allowable and that Claims 35-40, 42, 43 and 47-56 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for this notice of allowable subject matter. In response, Applicant has chosen to rewrite Claims 35, 39, 42, 47, 55 and 56 in independent form to include all of the limitations of their base claim and any intervening claim.

Despite rewriting Claims 35, 39, 42, 47, 55 and 56 in independent form, Applicant wishes to make it unmistakably clear that Applicant does not agree to or acquiesce in the rejection under 35 U.S.C. § 102 detailed below. Claims 35, 39, 42, 47, 55 and 56 have been rewritten in independent form only to obtain prompt allowance of claims reciting subject matter indicated as allowable by the Examiner.

Claim Rejections – 35 U.S.C. §§ 102(e)

On pages 2-3 of the Detailed Action, the Examiner rejected Claims 34, 41, 45, 46, 70, 76 and 77 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,405,461 to Groel et al. (“Groel et al.”). Applicant believes that this rejection is now moot. Claim 34 has been canceled without prejudice to further prosecution on the merits and Claims 41, 45, 46, 70, 76 and 77 now depend from a claim reciting subject matter that the Examiner has indicated is allowable. Accordingly, Applicant respectfully requests withdrawal of this rejection and allowance of Claims 41, 45, 46, 70, 76 and 77.

* * *

Applicant respectfully submits that each and every pending rejection has been overcome, and that the present Application is in a condition for allowance. In particular, even when the elements of Applicant's claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the Application is respectfully requested.

Further, Applicant respectfully puts the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid

amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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